

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

ROY ANTHONY HUNT,

Plaintiff,

*versus*CITY OF HOUSTON, *et al.*,

Defendants.

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CIVIL ACTION H-08-2705

Opinion on Dismissal

Roy Anthony Hunt sues for civil rights violations. Hunt moves to proceed as a pauper. Hunt has sued in the federal courts 16 times, including transfers. At least three of his complaints have been dismissed as frivolous or for failure to state a claim on which relief may be granted. *See Hunt v. Harris County Sheriff's Dept., et al.*, 4:93cv3987 (S.D. Tex.); *Hunt v. Kelly*, 4:95cv3366 (S.D. Tex.); and *Hunt v. Harris County Texas, et al.*, 4:94cv3897 (S.D. Tex.).

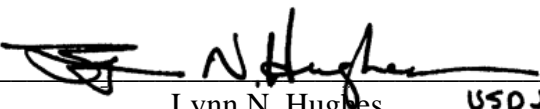
When Hunt sued, he was confined in prison or jail. The district court dismissed these other cases before Hunt filed this case. A prisoner may not sue in federal court as a pauper if, while incarcerated, he filed three prior lawsuits which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Hunt does not show that he is under imminent danger of serious physical injury. This complaint will be dismissed under the three-strikes rule in 28 U.S.C. § 1915(g).

This court has also sanctioned Hunt. *See Hunt v. Thomas, et al.*, H-98-cv-1396, and *Hunt v. Harris County, et al.*, H-98-cv-1976. This court barred Hunt from filing any new civil rights complaints or habeas corpus applications unless he submits the filing fee and obtains written permission to file from a judge of the court. *Id.* Hunt did not submit the filing fee and he did not seek or receive permission from a judge to file this case. If Hunt had sought advance written permission, this court would not have granted him permission to sue because of his abuse of the federal courts.

Hunt's claims also lack merit. Hunt claims excessive force, false imprisonment, and related claims arising from an arrest on October 21, 2005. The statute of limitations and the holding in *Heck v. Humphrey*, 512 U.S. 477 (1994) bar Hunt's claims.

This court will not grant Hunt permission to prosecute this lawsuit. This case will be dismissed under this court's bar orders, under the three-strikes rule in section 1915(g), and for failure to state a claim on which relief may be granted.

Signed September 26, 2008, at Houston, Texas.



Lynn N. Hughes USDJ
United States District Judge